



Gulli, Bruno. (2009). Knowledge Production and the Superexploitation of Contingent Academic Labor. *Workplace*, 16, 1-30.

## **Knowledge Production and the Superexploitation of Contingent Academic Labor**

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In the corporate university, a capitalist enterprise, the fact of contingent academic labor should not be seen as an aberration, a scandalous (but perhaps temporary) anomaly that could be solved within and by the very system that produces it. Rather, the ever-increasing number of contingent academic workers, and the consequent reduction in the number and power of full-timers, is the norm. Not only is it the norm, but it is the coherent, logical consequence of the corporatization process. That is, there could be no corporatization without the logic of sovereignty and domination whereby contingent labor in the first place, and all other labor in the second, must be, as is, superexploited.

The originary idea of the university as a place for learning (perhaps even disinterested learning) is gone.<sup>1</sup> To have faith in that idea at this point in time would be having faith in a romantic past, it would be a useless, if not politically dangerous, nostalgia. Yet, if the past is barred, the future is not. Hence, the work for the transformation of the corporate university can be a *concrete* utopia, that is, one already present in the political, radical imagination, as well as in the structure of the real (when this latter is understood as inclusive of the potential). What must be made clear, however, is that the transformation of the university is not possible if society itself is not transformed. If the university has become a capitalist enterprise, if the relationship between the university as such (its administrators) and its workforce (including the often reluctant full-timers) is the relationship between capital and labor, then the antagonism within the university is the antagonism present in capitalist society as a whole. Of course, where this labor is exploited most, which is the case with contingent labor, there the antagonism becomes irreducible. To say that it is irreducible means to say that the only true solution lies in the elimination of such exploitation, which is equal to the elimination of the university as a capitalist enterprise.

In a time of economic crisis such as this, the situation becomes worse. Classes are canceled, and the classes offered (especially in community colleges) are more crowded than ever; the position of contingent academic workers becomes more precarious. The failure of the neoliberal economy, which has also brought about the corporate university, does not eliminate the problems it has created. Instead, these problems acquire now full force and visibility.

## **Workers Rights as Human Rights**

Following James A. Gross (2006), I take workers' rights as human rights. Once this position is taken, which could be denied only by hypocrisy and double-standards (i.e., upholding human rights everywhere and denying them at home, in the workplace), then it will become evident that what goes on in the corporate university, vis-à-vis contingent labor in particular, is a violation of fundamental human rights. For Gross, the recognition of the fundamental truth that workers' rights are in fact human rights requires a reassessment of commonly accepted values; it

means that property rights-based, "free" market values will have to give way to the values of human rights that have not historically influenced U.S. labor law and policy despite the fact that human rights values are most consistent with the nation's professed democratic ideals (p.22).

Gross' essay starts, as does the whole volume edited by Block and others, from a recent Human Rights Watch report (2000) that found that "workers' freedom of association is under sustained attack in the United States" (quoted in Gross, p.21). Both Gross and the editors of the volume stress that this freedom of association must also include the right to strike (pp.1 and 25), a notion whose status remains ambiguous within the International Labor Organization (ILO).<sup>2</sup>

In his essay, Gross takes seriously the notion, too often only rhetorically entertained, that

human rights are a species of moral rights that all persons have simply because they are human, not because those rights are earned or acquired by special enactment or contractual agreements (p.23).

This gives the law itself a position subordinate to principles of universal ethics based on dignity. Gross points out how the law is very often used to legitimize criminal practices, and he gives the historical example of slavery. He says that

the existence of human rights does not depend upon the approval of legislature, courts, other institutions, or the will of the majority (p.24).

One important aspect of his essay is to include economic rights within a general discourse on human rights. This is important because it shifts the discourse from economic security to what in development studies, for instance, is addressed as *human security*. And although this isn't Gross' terminology, the substance is the same: the recognition of a universal ethics capable of grounding a life of social justice, the good life. Fundamentally, all human rights, ranging from the personal to the political to the economic, etc., underline the essential truth that at stake is "a life of dignity" that must be defended: "Violations of those rights deny a person's humanity" (p.23). Recognizing workers' rights as human rights challenges the common exceptionalism with which the employer-employee relationship is understood, that is, the primacy of property values shaping labor relations. In reality, "the employer-employee relationship is more than economic in nature" (p.24). Contrary to the ever-growing awareness of the importance of

human rights issues, the employer-employee relationship is still seen as lying outside them, with workers often experiencing conditions of powerlessness and servility. Yet, Gross says: "Servility, or what some call powerlessness, is incompatible with human rights" (p.25).

A life of dignity means that people must be able to fully and richly develop their potentialities. This is a right that should be independent of the political will of any constituted power, as well as of any legal framework. In the workplace, this right is the freedom of association, "which includes the right to organize, to bargain collectively, *and to strike*" (*ibid*; emphasis added). The last mentioned right, the right to strike, is very important. Without it, there is no exit from the chronic powerlessness in which a given segment of the workforce finds itself. In fact, there is no reason why employers would yield to labor's legitimate demands unless their interests are somehow threatened. Denying the right to strike (as it often happens in the public service sector in the U.S.) means asserting the sovereignty of property and capital over labor with all its force, arrogance, and violence.

Gross also deals with the question of human resource management. After an initial and brief remark on the distinction often made between the old-style personnel administrators and the new human resources management, he points out the fundamental similitude between the two, which comes down to "the ultimate objective of increasing their productivity" (p.32). However, recently the notion that "human resources professionals become strategic partners in executing business strategy" is openly advocated (*ibid.*). Rather than advocating for employees, what these managers do is try to make "the employer's goals the personal goals of each employee" (p.33). The workers are thus treated as things, as means for others' ends, which is an injustice, a violation of basic rights.

Inducing workers to see the world through their employer's frame of reference to legitimize and maintain employer control of the workplace without changing the power relationship of superior employer and subordinate employee constitutes manipulation that is an affront to human beings and human rights (pp.33-34).

In his concluding remarks, Gross also deals with the practical question of unions and organization. He opens this section by summing up the result of his analysis of power relations and power struggle within the U.S. world of labor. Although he does not use these concepts, it is evident that Gross thinks in terms of political antagonism in its most irreducible form: the antagonism between capital and labor, sovereign power and bare life. He says:

The U.S. labor relations system is dominated by employer power premised on the inequality and helplessness of most workers and rooted in values that justify the possessions and exercise of that power (p.35).

This sovereign power is in constant violation of the basic fact of life. Redressing this violation is for Gross not simply a matter of "marginal adjustments or fine-tuning."

Rather, it requires “an explicit restatement of property rights as subordinate to human rights, including the human rights of workers” (*ibid.*). From a materialist point of view, this restatement of property rights can only come through a clear understanding of the meaning of private property and the necessity (if the aim is the creation of a better society) of its structural dismantling. “Property rights” is the political and legal formula encapsulating the power relations of domination on the one hand, servility on the other. In a sense, one could say that one of the reasons, and perhaps the most important reason, why there are no human rights is because there are property rights. Thus, it is not simply a question of subordinating the latter to the former; it is rather a question of understanding that property rights, the cell of productivity and sovereignty, must be exploded so that human appropriation (in the sense of coming to what is proper to humans) can be grounded.

Although Gross does not deal with the question of contingent labor in particular, his essay remains very important for our discourse, for it allows us to ground the problematics of contingent labor in the broader (universal) context of human rights and international law, hence in a theory of social justice. Moreover, although I am addressing here the question of contingent academic labor, this is to be understood in its relation with other sectors of the workforce within and without the academy.

### **Flexibility and Contingency**

When I earlier spoke in one stroke of full-time (tenure and tenure-track) faculty, contingent academic labor, and other non-academic workers within the university, I did not mean to equate them and their situations. Obviously, there are important differences between those who are protected and guaranteed and those who are not. However, as many commentators have noted, in the long run the present conditions of superexploitation of a growing number of workers will erode the status of relative freedom and power still enjoyed by the more privileged ones. I am not arguing that full-timers should participate in the struggle against the superexploitation of contingent labor in order to safeguard their own interests. I think they should do so in virtue of the requirements of a universalist ethics – at least, that would be the ideal situation.

I am here concerned with contingent labor because in it the antagonism between labor and capital in the age of *real* globalization becomes more apparent and strong, and this is particularly true in the present days of recession.<sup>3</sup> The choice of contingent labor in the academy, rather than in any other sector, does not intend to give academic labor a special place within the general economy. Most of what is here said of contingent academic labor (and this is limited to the U.S. context) can be extended to other forms of contingent labor globally, and certainly in the latter, workers endure much more difficult and precarious conditions than in the academy. There are also “hybrid” situations, such as the UPS students/workers whose precarious conditions of life have recently been brilliantly analyzed by Marc Bousquet (2008). At the same time, the original (but now irremediably lost) spirit of the university, its mission and vocation, give the academy special relevance as one of the last bastions to fall under the progressive regime of real subsumption. Professors become part of the proletariat, as many have argued. The contingent

workforce in particular, by being included and excluded at the same time, is, at the same time, the most invisible and the most exposed group.

Let's start by disambiguating the word contingent, as used in this context. It means one thing for capital, another for labor. For capital, the university, and its managers, it points to today's widespread notion of *flexibility*. For them, the new workforce, and soon all but a handful of full-timers, is contingent in the sense that it can be gotten rid of at any time if the need arises. Because it makes flexibility possible, contingency has a lot of positive value for the institution. Moreover, it is much cheaper than the regular full-time segment of the workforce. For labor, on the other hand, contingency is not simply an economic category. It has a rather substantial existential and ontological dimension. It is what threatens labor in its essential being – what threatens, disrupts and often destroys life, the good life, the potential for it. It disables potentialities. For each contingent worker, contingency is a negation of their being. It tends to diminish in importance and annihilate a person's past (for what good work one has done in the past, what strenuous effort one has endured, is deliberately forgotten by the institution and not rewarded in any way; for instance, decades of service as a contingent worker will not yield any security), and it cripples a person's future (for tomorrow one can be dismissed for no reason). All there is with contingency, is the fleeting present: the anxiety of that whirlpool that we call the now, a hectic running from place to place, from campus to campus, and then for many, toward the end of a never-ending semester, the odious (because undignifying) peer (?) observation;<sup>4</sup> and at the end of one's career the specter of one's life as a failure.

In the *Grundrisse*, Marx says that the worker, in exchanging her labor capacity, "surrenders *its* creative power" (1973: 307; emphasis added). The phrasing of this is very interesting and important, for it covers the ground from the basic exigencies of economic life to everydayness in its multiform totality, including one's creativity. Although it is not the worker's intention to exchange her creative power, she can't help doing that: her creative power is part of her labor capacity; in exchanging the latter, she will also exchange the former. Creativity is arguably the most essential element constituting a person's subjectivity. The originary site of one's creativity is the same as the site of one's labor capacity, and it is for this reason that art and labor can be reconciled. When a person's labor capacity is sold, creativity is also gone. Through exchange, this labor capacity is soon transformed into labor power – a commodity. Creativity will be the scoria that must be thrown away. When a contingent academic worker has taught three, four, perhaps five classes in one day, when this is repeated three, four, perhaps five times a week, at the end of the day, at the end of the week, there is no creativity left for what should in principle be a creative life. As much as one likes teaching, one has to recognize that one gives more (much more) than one receives. Teaching is a type of labor of care, rewarding on the one hand, yet exhausting and draining on the other (especially when one teaches six or seven classes per semester and at different institutions).

Once one has exchanged one's labor capacity (which includes one's creative power) as labor power, there can be no time and energy for research and writing, for creative labor. I myself am an example of this. I teach six or seven classes per semester at two different schools in Brooklyn, and I have done this for many years. In order to do my research and

write, I need to use most of the time left, including often the nights and the (unpaid) summers. Every semester, I meet at least two hundred new students, with whom I passionately work. At the end of each semester, I feel proud and happy to hear from my students they have learned a lot, they really enjoyed the class. Yet, as time goes by, I realize that most of my intellectual (and physical) energy (and at some points in the semester, all of it) goes into teaching, and just as Marx explains at the outset of Volume I of *Capital*, this energy is twofold: use value and exchange value; useful labor and abstract labor. At first sight, and in a more idealistic vein, one could think that the use value is represented by the knowledge that my students and I produce (or reproduce) in the classroom, whereas the exchange value is to be found in the tuition they pay and the wage I get. This would not be so bad, but it is too simple, and ultimately false. Under the university as a capitalist enterprise, the knowledge thus produced or reproduced in the classroom is only coincidentally a use value. In reality, my teaching is for me only an exchange value; and it is a use value, not for the students, but for capital. The students' learning capacity (which is itself work), whereby they participate essentially in the production (or reproduction) of knowledge, is also a use value only for capital, whereas it is for them a mere exchange value. Both my teaching and the students' learning capacity are what capital (in this case, the university) *needs* in order to produce surplus value. It is in this sense that they are both use values for capital. This is, if I am correct, an application of Marx's analysis from both *Capital* and the *Grundrisse*. Capital would not bother with the process of teaching and learning unless there was in it something *useful for capital*.<sup>5</sup> Capital's only aim is the creation of surplus value. But the latter is already contained in labor (in our case, in teaching and learning), and must be extracted from it. In fact, surplus value is already contained in exchange value, that is, in the twofold character of the commodity form *and* in labor as a commodity.

What appears at the end of the process as a *result* is in truth "already contained in the presupposition" (Marx 1973: 307). The presupposition, as paradoxical as the result, is that, to count as labor power, the use value of one's labor capacity must be seen exclusively as exchange value. If I want to sell my labor capacity, I better not use it myself, as my own use value; if I do, I will be left with nothing to sell. My labor capacity will become a use value for capital, not for me. It is at this point and in this sense that it also becomes productive – in the specific sense of producing capital. But it is here that its creative power is lost.

The above is of course true in general. In the case of contingent academic labor, or of academic labor in general, what must be said is that its use value has now become *productive*. In the past, academic labor was creative when it was good, or simply unproductive otherwise. In the university as a capitalist enterprise, it is productive in the specific sense of producing and increasing capital – and contingent labor (due to its low cost) is more productive than its permanent counterpart. The more productive one can be, the more exploitable and exploited. There is therefore no exit from the present superexploitation of contingent academic labor other than a radical dismantling of it, as well as of its other, its double, the capitalist university, capital as such. As Marx says, "the demand that wage labor be continued but capital suspended is self-contradictory,

self-dissolving” (pp.308-309). This is so because wage labor, if not the ultimate presupposition, is one of the mediations in the process from labor to capital. Marx says:

It is just as pious as it is stupid to wish that exchange value would not develop into capital, nor labour which produces exchange value into wage labour (p.249).

Accordingly, one cannot hope to abolish contingent labor in the academy and keep the corporate university. It would be like having capital without wage labor, without exploitation – but then capital is no longer possible.

Without the superexploitation of contingent labor the corporate university would collapse. This means that such labor is “contingent” only by equivocation. In reality, it is an essential and structural component of the system itself. Contingent labor is bound, attached to the university, even in the specific sense that after some time it will be impossible for any individual worker to find another job: impossible to be outside, impossible to be inside. Being inside and outside at the same time, this labor is attached to the university as to nothing; it is attached to its own invisible shadow. In a sense, the university itself becomes this contingency. Such is the case, for instance, with the Metropolitan College in the Louisville area discussed by Marc Bousquet:

The name itself is misleading, since it’s not a college at all. An ‘enterprise’ partnership between UPS, the city of Louisville, and [various] campuses ..., Metropolitan College is, in fact, little more than a labor contractor (2008: 126-127).

The tendency to transform the university into a full-fledged and successful business is present everywhere. To this aim, contingency itself is not contingent, but absolutely necessary. But if this is the case, if there is such an equivocation about contingency, then something must be done about it. If contingent academic workers (or most contingent workers in general) actually work permanently, experiencing, as Joe Berry says, a “permanent lack of permanence” (2005: 4), then the category of contingency needs careful scrutiny. And because of the inherent powerlessness of contingent workers, due to the limitations in their organizing capacity (limitations that have a legal and material character, from contract insecurity to lack of time due to overwork), I think it is necessary that their issue become an issue in universal justice and international law. Of course, here I am speaking beyond the question of academic contingency, but inclusive of it. The ILO has discussed the question of contingent labor, but there is no clear position about it. I think a passage should be made from a discourse on economic security to one on human security. Then it would be easier to recognize the inherently criminal nature of conditions that bring about a permanent sense of human insecurity.

For instance, at the time of this writing, the contingent workforce at the City University of New York (CUNY) is experiencing difficulties determined by legal and material conditions. With the new contract, soon to pass, contingent workers will see their situation essentially unchanged.<sup>6</sup> Some of the contingents are against the new contract ratification and they even blame the union leadership, which had in the past been rather

supportive of contingent workers and at times even explicitly its advocate, for downplaying their plight and demands. While this type of complaint might be an overreaction to the present situation of deep and legitimate disappointment, the fact remains that it is not through the union's inability to secure a better collective bargaining agreement that the situation of the contingents can change. It might be that, at this point, ratifying the proposed contract is the right thing to do in order to avoid a more unfavorable future settlement. It is therefore a practical question of this kind. PSC President Barbara Bowen urges all union members to give their support, while she acknowledges that the "major disappointment of the proposed contract is in the area of job security for long-serving adjuncts" (Bowen 2008) – and there are many of them, of us.<sup>7</sup> But waiting a decade or more before possibly gaining access to job security (that is, economic and human security) cannot appeal to anyone. Obviously, this radicalizes many people's positions; it once again highlights the truth that contingent workers are being defrauded of what already and essentially belongs to them. The fact remains, however, that the self-organization of the contingent workforce proves to be an extremely difficult task. Contingent workers have very little time and resources. Moreover, and this is true of all CUNY workers and of the whole public sector in New York, there are legal limitations to what one can do, as one cannot resort to a strike (this is specifically regulated by the Taylor Law); in the case of contingent workers a strike would result in their immediate dismissal.<sup>8</sup> Inevitably, the main question raised by those who dissent is: What is to be done? Most suggestions revolve on the task of rethinking the concept of the union itself. Apparently, contingent workers now need to fight not only against the administration, but also against the union leadership. This is just an illustration of how contingent labor's initial and essential lack of security and power progressively worsens when, attached to nothing but its own precariousness, finds no structural and (traditional) legal weapons to vindicate itself. What is left is, of course, the almost impossible task of building a successful alternative organization. Perhaps, the only real exit, to remain within the CUNY illustration (but it could be generalized), is to seek and make a legal case on the basis of an argument capable of demonstrating the violation of fundamental human rights being perpetrated in such a situation – this is something that belongs in the territory of the growing relationship of ethics and international law.

If the argument can be made that contingent labor is bound, attached, to the university (or any other enterprise) and that in the long run it ruins and destroys the life of contingent workers, then action should be taken to prohibit it; this means that contingent labor should be recognized for what it really is: noncontingent, permanent labor, which should have all the security and benefits which go with the fact of working, the fact of living. Later I will speak about the importance of union organizing and social movements. Here I want to say that pressure should be put on the ILO to recognize that this form of labor, whereby a human being is reduced to the nothingness she is attached to, must be made illegal. The ILO recognizes four fundamental and universal rights at work: the freedom of association and to bargain collectively, the elimination of forced labor, the elimination of child labor, and the elimination of discrimination (cf. Block, Friedman, Kaminski, and Levin 2006: 1-14). The elimination of contingent labor should be given the same status as the above. It is outside all logic and all ethics to think that people who regularly work for years at the same workplace are contingent workers. These workers fall into a *legal* and

administrative category that is a travesty of the law (at least, of the law aspiring to ethical grounding, such as is the case with international law) and a perversion of what it means to administer, that is, to attend to those conditions that can bring about the common good. Indeed, even when some type of work is truly contingent, in the sense that it is not performed regularly, such as is the case with seasonal work, its superexploitation cannot be justified, either.

If this is the situation, if the capitalist university lives off the sour blood of contingent labor, then the question arises as to whom the university really belongs (that is, *ought to* belong). The answer is that the university essentially belongs, first of all, to the students. To be sure, they are also part of that contingency that defines adjuncts, part-timers, etc. This becomes particularly clear when one reads Bousquet's chapter on UPS student workers (2008: 125-156), but it is true in general, even when students are not formally employed – a situation which, particularly in community college settings, is rare (for most of them work). I have never been happy with the notion that students are customers in the corporate university. In fact, they are more like inmates, or patients in a hospital. They are certainly not simply consumers. They are producers, and they are *consumed*. As Stanley Aronowitz says, they “can still get in, but they can't get out except as intellectual corpses” (1997: 200). Nonetheless, the university belongs to them in the same way in which wealth belongs to labor. Then, in addition to the students, who are also workers, all other workers, the contingents most of all, have a legitimate claim to the university and the knowledge that can be produced in it. Managers, administrators, and trustees of the present kind must be removed from the vision of a future university. From the standpoint of the sovereignty paradigm, this would be the only way in which the equivalent of popular sovereignty in government could also be conceived with respect to the university. However, beyond the sovereignty paradigm, the removal of those in power is the condition for the participation in governance and management of all those others who in any way contribute, not to the advance of property, but to the deepening of the measure of human rights, to the daily, creative and caring, effort of the community to ground the good life. But those who are utterly indifferent to this daily effort and simply legislate, those who enjoy sovereignty but live parasitically off the labor of others must be made to understand that the political goal of dismantling and restructuring the restructured university cannot stop at one or two reforms for the amelioration of miserable labor conditions; rather, it will go all the way to the dissolution of the present contingency and from there to a new contingency – this time one of freedom and creative power, that is, one in which the word contingency is used philosophically, in the sense of the richness of potentiality, not economically, as referring to a workforce that is present and absent at the same time.

The word contingency is used in many ways, and this is part of the paradoxical situation defining the lives of many people today. Contingent is also the fact of human existence itself. However, the way in which *contingent* is used with respect to contingent labor hides the fact that this labor is most of the time, if not always, not contingent at all. Economically and legally construed and stigmatized as contingent, it is in reality, that is, structurally and ontologically, a permanent feature of a given workplace. What is important here is that the recognition that *we work* rather than not (where “we” includes,

in the academy, the whole laboring community starting from the students) also becomes the recognition of our constituent power, of our dignity, as well as of the fact that the university is not (certainly no longer) a special institution standing apart from the rest of society. As a capitalist institution, the university belongs to the world of capital as a whole. The struggle against the university as such an institution is also the struggle against capital, and the latter is essentially a struggle against undignifying exploitation and for social justice. If capital asserts its sovereignty primarily by means of the logic and language of productivity, and if productivity is a central moment of the corporate university, fighting against it—through creative and caring labor—is ending the sovereign claim, the dominance of capital and property over labor and life, outlining a model of social justice.

### **We Work**

An important way in which the power of sovereignty over labor is exercised can be easily detected in the production of knowledge, and particularly in the most precarious of its modalities of actualization, that is, contingency. There are various reasons why this is important. One of them, perhaps the most important, has to do with the seemingly absolutely free character of this type of production – so free that, as Randy Martin and others argue in a volume edited by Martin (1998), too often and mistakenly knowledge production, in the specific form of academic labor, is not recognized as labor. Of course (and fortunately), the production of knowledge does not take place only in the academy. But it is in the academy, in the sphere of higher education, of what today is called the corporate university that this knowledge is institutionalized and industrialized. As Martin says:

It should come as little surprise that what goes on at the university is *work* – and a highly organized division of labor at that (p.16).

I am focusing on the exploitation of contingent labor within the corporate university, including the labor of disadvantaged students in community colleges. Students, in fact, contribute essentially to the production of knowledge. As Stefano Harney and Frederick Moten note, “doing academic work” (this is the title of their essay in the volume edited by Martin) is not simply a privilege or a task of the academic, the professor. Students are also always involved as “workers at the point of production” (p.167).

The focus on contingent labor within the academy will let us more readily see the contradiction between sovereignty and free labor. In fact, academic labor, which is usually conceived of as inherently free (also due to the principle of academic freedom), will appear as a form of bound labor.<sup>9</sup> This may not still be the case with tenure and tenure-track positions; it certainly is for the growing number of part-timers and adjuncts, who are desperately needed by the institution, yet at the same time not given any security. Soon they find out that they are bound to this lack of security, for fleeing it is very risky. Paradoxically, it becomes their only security: one made of insecurity itself, anxiety, and danger. Isn't this the typical (psychological and material) situation of anyone who is trapped, imprisoned, bound? I say poetically that contingent labor is attached to its own contingency as to nothing. However, this statement should be understood literally, as

well. Indeed, it names the nakedness to which the sovereign institution reduces the individual capacity to labor and its creative power. By appropriating one's vital energy, the sovereign institution— to paraphrase Marx— confronts one as an alien power. The individual worker, and consequently the collective workforce, becomes a shadow, a trace, a vanishing mediation, approaching nothing, truly falling into it. From this fall, there is often no return. And I say this without exaggeration, without being carried away by language. In fact, there are those who after thirty or forty years of service as contingent workers will retire with no security at all – only perhaps with a sense of failure: One's life has been thrown into and consumed by the machinery of the institution, its fixed capital. The university (or any other company) calls this flexibility. From the perspective of the contingent workforce, it amounts to an irremediable loss: of time, freedom, and dignity. Also recall that some contingent labor is contingent only in name. Furthermore, most times it is not voluntary, in the sense that workers would gladly have a permanent position, but the latter is denied to them. Consequently, they are *forced* to work *contingently*; that is, although they often work permanently their jobs are legally construed as contingent jobs. Thus, involuntary contingent labor is a type of bound labor. The fact that other times contingent employment (temporary, part-time, etc.) is voluntary and even preferred does not change the injustice committed in the former cases. In the academic context, most of the contingent labor belongs to the nonvoluntary and contingent-only-in-name category. There may be a lawyer who also likes to teach a class, or a full professor at one institution who chooses to work as an adjunct at another; but these are exceptions rather than the rule. It must also be noted that what is called voluntary contingent work is often voluntary only equivocally. For instance, as Jeffrey B. Wenger says, "workers may have to choose some form of contingent work as an earning substitute for UI [unemployment insurance] benefits" (2006: 178; brackets added). Courtney von Hippel *et al.* (2006) deal in particular with the question of "volition in the shadow workforce." They start their essay by stressing the fact that "the shadow workforce is not a homogeneous entity" (p.30). With references to the recent literature on contingent labor and after listing some of the reasons people might have in choosing temporary employment, they conclude that, broadly speaking,

some people work as temporary employees because they prefer various aspects of the job such as flexibility, variety, and skill enhancement, whereas others work as temporary employees because they have only limited opportunities to do otherwise (pp.49-50).

Although it is very important to recognize these differences, one should not be thereby led to justify, totally or partially, the principles of contingency and flexibility. von Hippel and others say:

Interestingly, although statistics indicate that an overwhelming percentage of the workforce is desirous of permanent employment, anecdotal evidence suggests that an increasing number are viewing contingent work positively (p.51).

They give an example from the high-tech area, where some individuals might enjoy the sense of freedom coming with being able to move from one job to another and thus

establish a nonstandard type of lifestyle, of “work and nonwork uses of time” (*ibid.*). However, common sense itself suggests clearly enough that there is an irreducible difference between wanting to work contingently and being forced to do so. Voluntary contingency is contingently contingent; the involuntary type is necessarily so. Blending the two into the same category only creates philosophical and political confusion. This confusion gives the impression that individuals can choose freely – and this is indeed what neo-liberal ideology wants: we are all free, in all senses, including that of working contingently or not. In reality, to offer an analogy, the fact that some people may want to sell themselves into slavery doesn’t justify slavery as such, as an institution. Thus, in studying the phenomenon of contingent labor, we shouldn’t be deceived by the presence of voluntary or contingent contingency. We should instead focus on involuntary or necessary contingency -- also because the former type is often a misguided, ideological travesty of the latter.

Thus, contingent academic labor, like most forms of contingent labor, appears as a form of bound labor. As such, it should be abolished by converting it into full-time, permanent labor; that is, converting the pseudo-jobs of contingency into real, *good* jobs. As Eileen Schell says, it is the responsibility of the institution to “find ways to offer ethical and equitable working conditions” (1996: 14). Although bringing about real changes may be like “moving a mountain” (*ibid.*), the fact remains that the good life, equal to a situation of social justice, is unattainable without a good job. This can only be a situation in which labor is free. But free labor can only be labor without sovereignty. When this obtains, the time of not-labor will also be free – free, for instance, from the anxiety that comes with constant insecurity; free for the pursuit of all other meaningful activities (themselves part of the full concept of labor) without which the full and rich development of one’s potentialities is impossible. The injustice that thwarts one’s labor and one’s time also disables one’s potentialities. In the construction of this form of disability it is easy to discern the violence of sovereignty, the compliance of the law (which comes from that same violence, as Walter Benjamin says), the obsession with a regime of productivity that grows only insofar as more servility and poverty is created. In the particular context we are dealing with here, it is the sovereignty of capital in its neoliberal specificity (as the power that has also restructured the university) which is of concern. This means that the case of higher education is nothing but an instantiation of a general tendency investing society as a whole – a general tendency, or perhaps an accomplished fact: the subsumption of all human activity *as productive labor* under capital. Certainly, there are situations in which exchange of ideas and learning outside the logic of sovereignty and productivity takes place: to name a few, the Brecht Forum in New York, the Institute for the Critical Study of Society in Oakland (at the Niebyl-Proctor Marxist Library), bookstores like Modern Times in San Francisco and Bluestockings in New York, community centers and study and affinity groups, the transnational, online *edu-factory* project. But at the institutional and policed level, what prevails is the system of injustice that the logic of productivity and sovereignty necessarily engenders. The fact that *knowledge* is the produced commodity does not alter the fundamental truth that injustice (exploitation, violence, death) is its substance, just as it is the substance of any commodity.

At the outset of his essay, the introduction to *Chalk Lines*, Randy Martin explicitly links sovereignty and labor while speaking of Clinton's educational policy in the late 90's: a signal, Martin says, that "educational access and attainment are ... to link labor and citizenship in a renewed covenant of the sovereign subject" (1998a, p.4). The truth of this is that "education means business" (p.5); the end of education is work. Education in general, and higher education is particular, is about increasing productivity (p.9). Martin says: "...education is merely an extension of labor-market discipline" (p.12). And the nerve of discipline is sovereign power.

Speaking of the notion of academic labor, Martin refers to the 1996 Yale graduate students' strike, which "forced recognition that a category of human activity was, in fact, labor" (p.18). As labor, it also must exit the illusion within which it often hides itself, the logic of exceptionalism, and recognize the collective dimension, the "we" Martin says, which characterizes it. Of course, this will be more easily recognized, and with great difficulties hopefully accomplished, by the most exploited segments of the academic workforce. Martin says:

Insofar as we continue to invest in the mythos of academic hierarchy ... we will continue to be implicated in the manufacture of our own relative surplus population (pp.18-19).

For Martin, this is a matter of choosing between use value and exchange value within the specific field of education, but more generally within the context of work, and life. He continues:

At stake is not only access to increased disciplinary requirements but also what forms of human association, cooperation, affiliation, and collective fantasy can be accessed through education (p.19).

The discourse on the end of domination and hierarchy within the academy signals, beyond the triumphant "universalizing managerialism" (*ibid.*), or perhaps across it, the possibility of redefining the meaning of academic work (and of work in general) along truly universal lines. In fact, education should not be the privilege of the closed and policed institution, and it should certainly not be geared toward increasing the productivity that hammers and deepens the system of social injustice at the global level and alienates humanity. Recognizing that "what goes on in the university is *work*" (p.16) is also a step toward changing the idea and the reality of both the university and the work going on within it.

This radical need – changing the university, creatively redrawing the *chalk lines* that define it, in Martin's metaphor – is something that goes well beyond the world of higher education and has to do with fundamental issues of social justice. We will see this again when speaking about the community colleges, with which Martin is also concerned (p.6).

As Gary Rhoades and Sheila Slaughter say, "Universities are not just servants of or suppliers to the marketplace. They are active players in the marketplace" (p.38). They

occupy a central position in the reproduction of capitalist relations, and in doing this they forgo their original aspiration of fostering public reason – they become sites for “the pursuit of private profit” (p.39). Speaking of the “managed professionals,” Rhoades and Slaughter say:

In our view, if faculty are to regain some influence over their work lives and workplace, they must move beyond the ideological and political position of being independent professionals and connect their work and their professional ideology to the interests of the immediate communities and broader publics that they serve (p.51).

In fact, as Harney and Moten say, “most professors in the United States are part of the service sector proletariat” (p.155) – although, they add, this is not how these professors would see themselves. Recognizing “what it means to do academic labor” (p.158), rather than cling to a notion of “social positioning” (*ibid.*) in an empty structure such as the corporate university, which denies all authentic subjectivity and only fosters productivity, competition, and, in the case of those who lack security, failure, is extremely important if the intention is to regain the social and cultural dignity implied in the passage by Rhoades and Slaughter above. The equivocal nature of academic work can also be detected in the language used to describe it. Harney and Moten give a precise sense of this when they render “academic standards” as “levels of production” and “collegiality” as “flexibility and docility on the job” (p.164).

The principles of flexibility and docility become particularly important in the case of contingent labor (often referred to as adjunct labor). Vincent Tirelli provides a very good description of the typical adjunct situation, especially at the City University of New York (CUNY), where he works. More generally, speaking of “flexible labor and the reserve army of the unemployed,” he says:

Those who make up the contingent faculty workforce are a diverse group, but they share the lower-tier status and all the indignities that accompany it. ... [F]rom whatever place they enter this system, they all share the experience of second-class citizens in the university (p.190).

If the notion that one is actually working is in general denied in the university, in the case of the adjuncts what is (this time institutionally) denied is the fact of holding a job. Just like the sovereign, contingent labor is also defined by the modality of being inside and outside at the same time. However, this time the definition is not a sign of power, but of its lack.

### **The Ambiguous Condition of Contingent Academic Labor**

If there is in general no recognition that what goes on in the academy is labor, in the case of contingent labor this becomes not a sign of social positioning, but rather of a marginalization that, in the long run, takes a serious toll on the economic stability of the individual workers, but also on their psychological, existential and *human* well-being. Bill Readings remarked that “few communities are more petty and vicious than university

faculties” (1996: 180). Yet the university is still considered “the potential model for free and rational discussion” (*ibid.*). In fact, what goes on within it is something different, and certainly, from the viewpoint of contingent labor, the exact negation of those romantic ideals one might naively still associate with this *ruined institution* (cf. Readings, p.169). Readings’ study of the corporate university very much relates to the denial of the actual living labor expended within it. This is evident particularly in his emphasis on the fact that, with its *idea of excellence*,

the university is not just *like* a corporation; it *is* a corporation. Students in the University of Excellence are not *like* customers; they *are* customers (p.22).<sup>10</sup>

But academic labor is still seen as a form of higher vocation, an activity one engages in like one does in, say, writing poetry. And this argument is often used to dismiss the political concern of contingent academic workers: You are not really exploited; what you do is part of a higher mission; it is not a vulgar job. In a similar vein, contingent labor is often seen as the labor of “apprentices,” and this is “a means of ignoring and denying their real relationship to the university” (Tirelli 1998: 192). In reality, Tirelli notes, “most part-time faculty ... have many years of experience, are not in any kind of mentoring relationship,” and all they lack is a real job and a career path (*ibid.*). Under neoliberal policies, this lack of permanence is necessary to the university in order to provide that *flexibility* that eventually burns out the adjunct. According to Tirelli, this is also used, at least rhetorically, as a justification for denying them a job: “they eventually get ‘burned out’ and need to be replaced” (*ibid.*).

In his important, militant book on contingent labor, which he describes as “a manual for action,” Joe Berry calls this flexibility “the academic equivalent of day labor” (2005: xii). Among many important points made in *Reclaiming the Ivory Tower*, perhaps the most important is Berry’s political understanding of contingent academic labor as a labor force and as a movement:

...we are part of a huge campus labor force that has created a vibrant labor movement, including clerical and technical workers, grad employees, food service, maintenance, and housekeeping workers, skilled trades people, and academic professionals of all sorts (p.xiii).

He continues:

This movement has spanned the entire spectrum of post-secondary education, from urban adult educators teaching ESL to contingent professors teaching graduate students at the most elite universities (*ibid.*).

Berry has a clear sense that contingent faculty work, and do *good work*, but that they lack *good jobs* (p.xiv). The importance of this point cannot be overestimated, for too often does one hear, even by well meaning and informed people, that for a variety of reasons the quality of the work done by contingents is not as good as its counterpart. However, anyone who has first hand experience of teaching contingently knows that *the problem is*

*not the quality of work, but the effort required to produce that quality.*<sup>11</sup> Thus, adjuncts and part-timers have to overexert themselves in order to reach the same quality level produced by others. It is because of this overexertion that they often also ruin their health and destroy their lives.

Like many others writing on this issue, Berry also points out the question of the corporatization of the university, of the fact that higher education is in the service of capital. He says that this has happened both internally, as higher education institutions conformed to the rest of the corporate world, and externally, through a restructuring of the university to serve private business. He also makes the point that students are now customers to be trained as workers rather than citizens to be educated (p.4).

As for the faculty workforce, it

represents one of the few recent instances in the United States economy (another is taxi driving) where an entire occupation has been converted from permanent career status to temporary, often part-time, status in the space of a single generation of workers (*ibid.*).

He also points out that at this point in time the term “adjuncts” to denote part-time and temporary academic workers, now the majority, is not really accurate; he refers to the entire group as contingents, which emphasizes this faculty workforce’s “permanent lack of permanence” (*ibid.*).<sup>12</sup>

In addition to the injustice permanently experienced by the contingent workforce, another more general social and political problem (but one that make administrations rejoice) is the erosion of tenure for academics. This entails a loss of “the freedom to search for and speak the truth as one sees it (academic freedom).” Berry concludes:

Now that most teachers in higher education have neither tenure nor the prospect of even getting it, administrators and trustees have won a great victory. They have much greater flexibility to hire and fire as program and enrollment demands, and the faculty as a whole is less able to set the terms of its own work (p.5).

Rather than convert non-tenure contingent positions into tenure ones, which would be one of the solutions to the situation of contingent academic labor, the opposite tendency has asserted itself.

For Berry, contingency is the “most significant of our unprofessional conditions ... To put it bluntly the employer’s flexibility is our uncertainty” (p.9). He mentions some important aspects of this uncertainty, for instance, impossible schedules, absence or inadequacy of health care, disruption of everyday life. Contingency can destroy social life and limit one’s professional horizon (p.10). In short, it is “dead-end day labor” (*ibid.*). Once one has entered the cycle and stayed enough time within it, it becomes very difficult (and often impossible) to find an *exit*, for

the time and energy it takes to maintain a living at contingent academic employment, or at contingent employment outside academia, leaves no time for developing the academic capital that can keep [one] attractive on the job market (*ibid*; brackets added).

All this creates a situation in which stress is deeply and daily experienced although it is “hard to quantify” (p.11). Instead, the stress accumulated becomes manifest when it suddenly transforms itself into a nervous breakdown or other medical conditions (e.g., stroke, cancer), which are in turn difficult to face given the absence or inadequacy of health care or health insurance: a vicious circle – as vicious as the world of academia itself.

Another important point made by Berry has to do with the exploitation of contingent faculty’s commitment to the job. This is, it seems to me, in direct contrast with other less generous views (at times coming from people who are or have been adjuncts themselves) that for various reasons castigate the behavior of most adjuncts. For instance, in an article that also makes some good points (and that certainly starts with a powerful and lucid denunciation of the situation of contingent academic labor), Walter Jacobsohn criticizes many part-timers and adjuncts for “passing”. He says that most of them “do not want to acknowledge that the institution in which they work exploits them shamelessly, that it does not value them as members of its community” (2001: 170). According to Jacobsohn, in this state of denial, they take refuge in teaching and thus disempower themselves, as well as their students. He says:

Teaching is not an isolated act. It takes place in a community. When part-time faculty do not acknowledge their status, they are enacting an ideology that degrades them and their students. I call this practice “adjunct passing” (p.171).

I have some problems with this sweeping statement. The first has to do with the meaning of “community” in this specific context. Certainly, teaching is not an isolated act because, before any other consideration, involves the teacher and the students. The fact that it takes place in a community is already given in the original relationship of teacher and students, and of students among themselves. But what Jacobsohn probably means by community is the institution, a place which most times precisely lacks the sense of being a community. One could argue that the community needs to be built. However, contingent workers, being included and excluded at the same time, have great difficulties doing that – difficulties that are objective *and* subjective. The second problem is that it is not clear what acknowledging one’s status as a contingent worker, as Jacobsohn requires, would be. If this entails building a position of permanent antagonism within the institution (*vis-à-vis* the full-timers, administrators, etc.) then the possibility of building a community is forgone and the risk of losing one’s job increases. I am not against the formula of antagonism, when it has been made clear that it is a collective, not an individual, effort. In this sense, there is nothing more important than the right to strike. Jacobsohn himself gives an account of his experience with organizing a strike at Long Island University, where he worked. But at the City University of New York, for instance, a strike is made impossible by the Taylor Law. In such a situation, it is more

difficult to find a viable formula of antagonism. If, on the other hand, acknowledging one's status means speaking to the students about it, one may risk being misunderstood, seeing one's authority diminished in the classroom, and perhaps being accused of doing politics for personal reasons. I think that it is a very delicate situation. Certainly, one cannot walk around with a special sign that identifies her as an adjunct. Jacobsohn speaks of "adjunct identity" (p.172) and of how one must appropriate this identity. But I hope he means *consciousness*. The two are not the same. The latter, precisely, is the awareness I have that my work is not valued as it should be -- but this perhaps only at the strictly institutional level (that is, not necessarily at the personal level, in my relationship with students and colleagues, including the full-timers). This consciousness is itself a relation, and a reflexive one, which makes room for the determination of a tort and the affirmation of one's right to exit, a *right to flight*.<sup>13</sup> In the sense of Kierkegaard, it is the relation between the reductionism of necessity and finitude and the escape toward possibility and infinitude.<sup>14</sup> Identity, on the other hand, nails one in a position from which there is no escape -- unless one looks at it dialectically as the identity of identity and non-identity, similar to Kierkegaard's notion of relation (despite Kierkegaard's opposition to Hegel); but then it is of no simple identity that one is speaking. Yet appropriating the adjunct identity would be a simple and reductionist operation. In reality, one is and is not an adjunct. Of course, the slave, too, was at one and the same time not a slave, and this not abstractly, but concretely; hence, the possibility of rebellion. Indeed, this is true of any identity, incapable of completely encapsulating the being of an individual. The problem here is not "passing" for what one is not, that is, an adjunct or part-timer passing for a "real" professor; rather, the question is that of not being reduced and fixed in a position, a category from which there is no exit and which must in fact be destroyed. The attitude, therefore, must be critical. And if there is appropriation, it also must include non-appropriation. Of course, the adjunct knows he is an adjunct. But why should he assume that as his identity? And where? In which context and circumstances? In the classroom, it would be counterproductive. In the department, it would be simply antagonistic -- uselessly so at best, dangerously at worst. The truth is that the invisibility of the adjunct, with which Jacobsohn also deals, the invisibility of the contingent worker in general, is something real, objective, institutional. In this sense, this invisibility itself is visible.<sup>15</sup> At CUNY, for instance, a large public institution, there are about nine thousand adjuncts and part-timers and eight thousand full-timers. The invisibility of the first group cannot go unnoticed. In fact, it is noticed in many ways, and the principle of its presence is justified with subtle arguments -- thus, the notion that if properly used adjuncts enrich (in the academic, not in the economic sense) the institution. An article from *The Chief: The Civil Employees' Weekly* (10/2/07), posted on the Professional Staff Congress (PSC) website, quotes PSC President Barbara Bowen in this sense:

Ms. Bowen said the aim [of the union] in New York is to get the ratio to about 70 percent full-time and 30 percent part-time in line with CUNY's goal [that is, the administration's goal]. "Adjuncts have always enriched college curricula when they are actually used as adjuncts," she said. She gave the example of a poet who teaches a course on literature or a lawyer who teaches a course at a law school. "Then the students have the benefit of the experience of a practitioner," she said.

“Then the person is truly an adjunct to the academic program of a college” (Kolodner 2007; text in brackets added).

In a time of trouble, such as nowadays at CUNY, the problematic aspect of such statements becomes evident. In principle, we can agree that having practitioners working as adjuncts may be a good and resourceful addition to a program; however, this can only be understood as the exception, not the rule. The ratio eyed by both the administration and the union (70 percent full-time and 30 percent part-time) is far from being fair and equitable. 30 percent would still be a disproportionate number of adjuncts and part-timers. For a situation of exception, something like the 3 percent would suffice. The union should distance itself from the rhetoric of innocence and piety typical of the administration: adjuncts are an asset; too bad the situation has gotten out of hands. In fact, carried away by one's own rhetoric, one might start seeing more poets and lawyers than there are in actuality. As a matter of fact, this demonstrates the principle of the visibility of the adjuncts' invisibility. After all, it is a general principle of neo-liberal policies that it is good to have contingent labor: a sign of the competence of a company's administrators.<sup>16</sup> In reality, the way many CUNY adjuncts and part-timers feel these days, exploited by the administration, unaided by the union, says a lot about their impossible identity. They cannot simply be adjuncts because being that is like being *another* (e.g., the poet, the lawyer); yet they cannot be *that other* because they are reduced to being what they are, with no exit, no escape. Their professional commitment, as well as their identity, is romanticized on the one hand (as that of the poet, the lawyer, etc.); it is dismissed and derided on the other (as that of the apprentice, of the one whose work lacks quality, or of the one who did not quite make it – and will never make it).<sup>17</sup>

To go back to Berry, we see that professional commitment is exchanged for “unpaid departmental work, ... unprofessional wages and little respect, except from our students” (2005: 11). Moreover, this is

also used to discipline contingent faculty. Employers imply that if one behaves “professionally,” one has a greater chance of being rehired, or even possibly hired into a [full-time] position (*ibid.*).

He adds: “This pressure to act like a full professional naturally exacts a psychological toll as well” (*ibid.*). And here a remark must be made as to the question of the *quality* of contingent academic labor. This question often comes up in a very ambiguous way. Although those who raise it may intend to address the poor structural quality within the institution, *of* the institution and *because of* it, it does at the same time seem to imply that the work of adjuncts and part-timers is inherently poor. In fact, contingent workers, as Berry also notes, do much more than their counterparts; they must, in order to keep up and offer their best. Thus the quality of their work is, generally speaking, excellent. As Bousquet also notes,

the problem is not with the intellectual quality, talent, or commitment of the individual persons working on a nonprofessional basis; it's the degraded

circumstances in which higher education management compels them to work” (2008: 4).

In order to keep a high quality despite such degradation, they must ruin themselves: physically, psychologically, and professionally. In truth, what the institution does is injure them, harm their potential. For instance, many promising scholars (after years of abnegation and study) will reach a point when they have to renounce (or realize that they have already renounced) their aspirations – for lack of time, energy, resources. The time comes when it is no longer possible to catch up. What the institution does is consume their lives, destroy their dreams and concrete possibilities. When the failure in their personal lives, of which many commentators speak, looms clear it also becomes irreversible, and there is no way of undoing the grave injustice done. In this sense, the institution is guilty of moral delinquency and, truly, of a human rights infringement, that is, the right to economic and human security and to the free and full development of one’s potentialities (and this fact, which is true of contingent labor in general, should become a matter of concern for international law, specifically the International Labor Organization). For, if we take seriously (as we must) the notion that each individual life has irreplaceable dignity, and if this dignity is thwarted whenever one’s potentiality is compromised and disabled, with the dire consequence that one’s life is reduced to the finitude of powerlessness and servitude, of unfreedom and nothingness, then speaking in this context of delinquency and crime, of defying morality and disfiguring humanity is no rhetorical exaggeration.

Interestingly enough, poor quality and failure are not traits of the immediate performance of the contingent worker, for, as we have seen, her performance is generally excellent. They are instead aspects of what Bousquet (2002) calls, in a *Social Text* article, “the waste product of graduate education.” Both in said article and in his recent book, he says: “Cheap teaching is a social crime and failure” (2002: 98; 2008: 43). This is extremely important and absolutely true. Cheap teaching ruins society as a whole. Its quality is poor in the sense that it is reversed as such within society, that is, as the sad product of superexploited labor. This teaching is a failure in the subjective sense that it destroys the life of the contingent worker, but also in the objective sense according to which society itself fails. As I have noted above, Berry also argues against the claim of some researchers and administrators that “contingents are actually poorer teachers.” He says: “What is clear is that it is a much greater struggle for contingent faculty to do their job well than it is for their [full-time] colleagues” (2005: 15; brackets added). The question of the quality of education vis-à-vis the use of “cheap” labor has also been a concern of the American Federation of Teachers (AFT) (see Lundy, Roberts, and Becker 2006: 126). However, it is always important to disambiguate the whole relation: cheap labor / poor quality. This labor is cheap only insofar as it is not paid adequately, it has no security, and it is superexploited – certainly not for inherent reasons of its own. Moreover, it is cheap for the employer, but it is not cheap for the worker. In fact, the worker, having to reproduce her labor capacity, must pay a higher price for it than she gets in return. And I say this literally, since often one must recur to borrowing money in order to live. The relation cheap labor / poor quality becomes then the relation superexploitation / debt (with the corollary of stress, illness, disrespect, etc.).

We have already seen the importance, stressed by many writers, of the notion that academics are workers. This is of course particularly true of contingent faculty. We have also seen how workers' rights should be understood as human rights. And in the case of the contingent workforce this recognition is particularly urgent. We see work, labor, as the power constituting the social. But a labor sickened by a regime of superexploitation cannot produce a healthy society. It will produce a sick society, like the one we have now. Only free labor will be able to bring about a free society. For this to become a concrete possibility, all forms of sovereignty over labor. What is at stake here is not simply the question of higher education, nor of the contingent workforce. This is of course an extremely important and urgent question; yet, it is one case of a much more widespread situation, that is, the exploitation and superexploitation of labor in general. What is at stake, really, is human dignity, the destiny of humanity, social justice. Whenever labor, understood as all life activity, is subjugated, the dignity of individuation is lost. The relation of subjugation and servility must be highlighted in those areas where, because of the rhetoric of innocence I mentioned above, it seems to be completely absent, such as in academia.

Among others, Berry makes the point that contingent faculty "are now just workers" (2005: 12). He also distinguishes, more sharply than others, between contingent and noncontingent workers: "Many of those considered by higher administration as 'faculty' are, to us, 'bosses'" (p.13).<sup>18</sup> This is true even when individual full-timers are, as is often the case, sympathetic to the situation of contingents. Of course, the power relation is structurally built in the institution.

Berry's task is to build a movement able to "change the conditions of contingency and thereby change all of higher education – and perhaps the labor movement itself in the process" (p.17). This movement needs to challenge both the proletarianization of the new faculty, due to the current corporatization in the academy (similar, Berry says, to the introduction of Taylor's "scientific management" in industry), and the "mixed consciousness" built up by contingents, which leads them "to pursue, sometimes for years and even decades, the search for individual solutions" (p.18). Instead, it is important to "transform a primitive and individual rebelliousness into something collective" (*ibid.*). This requires that one focus, not on the notion of merit, but on the notion of labor. In fact, "the objective fact that we are now workers allows us to join the world of the broader labor movement, and most of our students who are working-class people themselves" (*ibid.*).

For Berry the question of organizing is taking a new shape in the corporate university. He says that

while in some ways the difference between FTTT [full-time tenured and tenure-track] faculty and contingent faculty is greater than ever, in other ways the forces acting upon both groups have created the basis for a firm alliance (p.22; brackets added).

Obviously, the conditions for the alliance do not imply its actual existence. And there are many reasons why this alliance needs careful and detailed organizing – one of these reasons being the reticence of many full-timers to share their goals with the part-timers. However, for Berry, such an alliance would add a lot to the struggle and benefit both groups, full-timers and part-timers (p.23).

But the most important question is that of respect and dignity. Among the signs of disrespect Berry also sees the “lack of names in class schedules and catalogs” (p.28). He also says:

One seldom recognized aspect of the exploitation of contingent faculty is that in addition to doing the same work in the classroom as the FTTT faculty, we must also maintain “professional behavior” despite our invisible status within the institution. This emotional work imposed upon us is draining because not only is it required but it is also completely unsupported and unacknowledged. And this is just another way in which we are placed in a position of superexploiting ourselves in order to do the job (*ibid.*).

He continues by addressing a theme similar to the one addressed by Jacobsohn, as well as others. That is the theme of the “adjunct identity”. However, more careful than Jacobsohn, Berry understands the difficulties of contingent faculty, for instance, the fear some (or many) might experience to reveal “their true status to students for fear of losing respect and the ability to teach effectively” (*ibid.*). And the same can be said, Berry notes, of the relationship contingent workers have to the rest of academia.<sup>19</sup> In this sense, Berry looks at the problem from a human/existential point of view (in the sense, one might say, of Kierkegaard, who always underlies the fear, the anxiety, the distress). This is very important, for it would be wrong to ask this shadow workforce to unduly expose itself as a ghost, a deviation from the norm, only to find out that its powerlessness and servility increase thereby. It is important to remember that the policed university, just as any other institution, has no compassion, and that it will do anything in its power to crush any movement that challenges its sovereignty. By this I do not mean to imply that it is useless to organize. In fact, it is a necessity and a priority. We must organize first of all for the right to strike when it is prohibited, for this prohibition denies labor its dignity and freedom. Secondly, we must draw the attention of international law to the grave injustices done to labor, that is, to the constituting power of the social, the source of common wealth. In fact, one cannot expect much from the pettiness of any institution and its regulations, nor can one expect anything but fierce resistance and irrational regulations from city laws, state laws, and national laws. Regulation is very important, but for it to be fair it must proceed from the most disinterested level, and that is, at the present time, the level of international law. Without a recognition of the human rights dimension of the issue of contingency, all one can get is the right to a less crowded office, to an increase in wages, etc. One would certainly not be able to formulate thereby the most fundamental question, usually passed under silence: What precisely justifies the almost universally accepted notion that contingent labor, because of its contingency, can be exploited? It is as if, inherent in contingent labor, there were not simply the formula of its exploitability and exploitation but also the legal and moral justification for this fact. What I am saying

is that even in those cases of voluntary contingency (which are often equivocal, as I have noted above) economic and human security should be guaranteed; this is evidently truer in the many more numerous instances of involuntary contingency. The notion that any form of labor might be exploited must be removed from a thinking that thinks a better world, a world that makes room for a better thinking. That is, without this removal and elimination, without the fall of sovereignty, no discourse on social justice and human rights can really make sense, really be sincere.

No change is possible without organization, but this runs into problems of individuality and everydayness that cannot be overlooked. Berry says: “The main obstacles to self-organization among contingent faculty are fear, fatalism, and ignorance” (p105). However, Berry also challenges the notion of the leader. The right position in order to have a good political organization is: “We are all leaders” (p.108). This is important because very often what happens is that the political organization takes on the same logic of sovereignty it ought to combat. And there are those who, while professing a progressive and even revolutionary ideology, are only too eager to posit themselves as the leaders and managers at the expense of the real movement, of the improvements that could be made in the political struggle for the common good.

Perhaps, more important is the way in which the actual struggle against constituted power within the institution can take place. This is due to the fact that often the option of a strike is unavailable and at times even collective bargaining is against the law (p.116). These are both examples of a political and social crudity that needs to be challenged and altered, and I have called attention to the human rights dimension involved in this. Berry also makes the point of the legal constraints on the ability to organize and of the imperative to go beyond them. This is in fact the struggle inherent in, produced by, the logic of sovereignty itself.

### **The Work of Students**

No aspect of what is often called the humanitarian question, that is, the question of social justice and for the good life can be left to the potentially whimsical and structurally anarchic movements of capitalist growth and the national laws implicated in it. Evidently, economic growth does not guarantee social well-being. The point is also made by John Levin in a recent, important book on community college students in the US. At the outset of his study, Levin says that while being acknowledged as the world leader in many fields and endeavors, the United States “lags behind other countries in the more humanitarian domains” (2007: 1). He focuses on the question of justice – “the conflict of justice and neoliberalism,” as his title says – in order to give the universal measure of a reality constructed and justified according to “the needs of the nation-state or the state or the community” (p.5). The basic point, similar to Paul Willis’ in *Learning to Labor* (1977), is that students in underprivileged institutions “are denied justice” (Levin 2007: 3). This happens “both within their institution and as an outcome of their education” (p.4). What this means is that within the world of higher education in the US large groups of people have their potentialities disabled, that learning is understood only in terms of training for the specific aims and interests of capital and its institutions. Differently from the common reductionist view of students as simply customers, in a more complex manner Levin says

that students “become both commodities and consumers – sources of revenues and products to be sold” (p.5). Obviously, this reality, which is a general tendency of society, becomes more evident in the world of the community college, which “is *de facto* an institution for nontraditional students because it serves the most disadvantaged populations in higher education” (p.11). Levin also notes the importance of the presence of people with disability within these populations. In this sense, going to the bottom of the issue of injustice within higher education, he identifies the main problem in the fact that these students find themselves in conditions of *segregation* and *beyond the margins*. He says:

While mainstream community college students might conform to the human capital model of the community college, suggesting that students are potential workers and thus economic investments, those students who are outside the mainstream, outside the margins, are almost invisible not only to scholars, policymakers, and government officials, but also to administrators and faculty in their institution (p.32).

He challenges the claim that the community college provides *open access* both because the notion of open access is not absolute (due to selection admission rules such as test score results) and because the institution is often unable and/or unwilling to *accommodate* nontraditional, disadvantaged students (p.12). The importance of this lies in the fact that if traditional students “continue to be viewed as the norm” (p.22), in reality nontraditional students “are now the rule, not the exception” (p.23). It is in this context that Levin emphasizes again the issue of people with both physical and mental disabilities, whose general destination in terms of higher education is precisely the community college (p.29). Other groups constituting the category of nontraditional students include the working poor, welfare recipients, and undocumented immigrants / ESL students (p.30). He says:

These students are beyond the bureaucracy: They are rarely captured in national or even state data-collection machinery; often classified as ‘noncredit,’ they also can be students who are physically separate from the mainstream in off-campus programs – at work sites, in church basements, or in prisons. Yet, they are a component of the institution that claims to be an ‘open access’ college (p.32).

Applying Rawls’s principle of justice as fairness, the “difference principle,” and social contract theory, Levin concludes that “we can judge a nation’s or a state’s educational apparatus by how well it facilitates actual, not merely formal, equal opportunity for the worst-off citizen” (p.47). However, his explicit attack on neoliberalism, that is, capitalism (p.50), places him beyond Rawls’ theoretical view of justice, on a terrain which is more immediately political – for Rawls’ conception of justice does not necessarily challenge the logic of capital, but it can do so only implicitly. The logic of productivity and sovereignty typical of neoliberalism is necessarily “in conflict with the needs of disadvantaged students in higher education – those who require basic skills, social education, and personal attention” (*ibid.*). But the new managerialism in colleges and universities, one founded upon principles of profitability and superexploitation, cannot

address, let alone solve, the system of injustice it has created and upon which it rests. As Levin notes, its slogan is “better products; better profits” (p.55). Individual labor, including the students’ learning process, originally and ontologically grounded in difference, undergoes the “art of homogeneization and standardization” (*ibid.*); that is, in Marx’s terms, it becomes abstract.

Levin’s critique of productivity is in line with what we have seen so far in the literature against corporatization in the university. He says:

Learning is thus structured for economic purposes: for workforce development and for individual skills required for initial employment, retraining, or career advancement (p.167).

This is particularly important in the community college where “contract training has become a mainstream activity to serve business and industry” (*ibid.*). Consequently, the community college becomes “a vehicle of neoliberalism, appropriating the concept of lifelong learning and shaping the concept with a decidedly economic purpose” (p.169). The euphemism “lifelong learning” serves the purpose of covering up the logic of real subsumption in the realm of knowledge production. Individuals will produce and reproduce knowledge throughout their life, but their learning is, to use Willis’ expression again, only a “learning to labor,” a training for the aims and interests of capitalist expansion and growth. The real aims of this process are high productivity and global competitiveness, certainly not individual formation and growth (p.179). Because of this, instead of an “open door” or “open access,” the community college becomes *exclusionary* (*ibid.*). Large segments of the disadvantaged populations, those who would slow down rather than fasten the pace of productivity, are excluded from the potential gains of the learning process. In the last analysis, it seems that the community college has become the central cell within higher education for the reproduction of a workforce still conditioned by the dichotomy of productivity and unproductivity: productive labor, which alone produces and increases capital, and unproductive labor, which doesn’t. This overlooks the fact that what is often viewed as unproductive, typically the various labors of care, is very useful to society and unproductive only from the point of view of capital. Not only is it very useful to society, but also –though often undervalued—it requires exceptional skills. Such is the case with childcare, which, in the words of Eva Feder Kittay, requires “a talent as precious as an artist’s” (1999: 156). She says:

Childcare work has been viewed as one of the least skillful occupations, second only to janitorial work. To see an exceptional childcare worker engage a child dispels, in an instant, such devaluation of this oldest and most universal of women’s work (*ibid.*).

The main point made by Levin, the conflict of justice and neoliberalism, shows very well how the reproduction of the productive/unproductive distinction in the economic realm,

of which the educational system is a vehicle, is an impediment to the flourishing of social justice. Toward the end of his study, Levin repeats: Neoliberal ideology and its related practices are antithetical to justice for the disadvantaged populations” (p.193). The question of human rights, the right to human security, with which I have opened this paper, is here central again. As I have noted, this question cannot be left to the state and its institutions, which serve and guarantee the interests of capital, but it must be viewed as a question of universal social justice, regulated by universal principles.

The aim of this essay was to look at contingent labor in the academy and the production of knowledge from the point of view of a critique of productivity and sovereignty. This critique shows the way in which labor, which should be understood as human activity (i.e., not simply as productive labor, wage labor, etc.), is dominated by the forces and movements of capital, superexploited, and construed as either productive or unproductive following the needs of capital itself. This mode of domination and superexploitation amounts to a violation of basic human rights, and this violation cannot be remedied by the same system that produces it. In the specific realm of knowledge production and learning, this critique also shows how basic human potentialities, the source of wealth and happiness, are deactivated, disabled, in order to enable and enhance the gears of productivity, profit, and competitiveness. Disabling potentialities has devastating consequences in the life of individuals and in society as a whole, producing pathologies that could instead be avoided from the start.<sup>20</sup> In fact, learning is nothing but the activation of potentialities. But learning to labor in a regime of domination and superexploitation is a path to injustice, poverty, unhappiness, unfreedom, and illness. Learning itself is already labor, but a form of labor that is free from sovereignty, and whose value is determined by the lack of violation toward that which is to be learned.

When the opposite is the case, the labor of teaching and learning appears as unfree, bound, and any appeal to categories such as contingency and flexibility is only a way of masking a more violent and crude reality: that there is no exit and all forms of production (in our instance, of knowledge production) are subsumed under the logic of productivity of capital. The only exit is therefore the total dismantling of this logic itself. The reference I have often made to the principles of human rights and international law should not be understood as a hope that a radical and real change might come from above. Rather, it is a way of problematizing the antinomies constituting those very spaces of institutional thinking and practice; a way of calling attention to the fact that a discourse on human dignity (of absolute urgency today) cannot prevail as long as forms of life-activity, forms of labor, continue to be exploited and oppressed.

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## ENDNOTES

<sup>1</sup> See, for instance, Readings (1996) and Slaughter and Leslie (1997).

I will often use the phrase "the university" to mean higher education as a whole. Obviously, there are important distinctions within it. Stanley Aronowitz says: "At the top are two tiers of research universities, which are dedicated to the production of knowledge for the socioeconomic system. Their products are destined for use in economic and social domains, chiefly corporations and the state – especially, but not exclusively, the military. The third tier consists of nearly all liberal arts and technical colleges. Whether intended to train elite or plebeian students, these colleges *transmit* the knowledge produced in research universities and, conventionally, have a major responsibility in the elite schools to impart the Western intellectual and moral traditions to students" (1997: 188). He continues: "The fourth tier includes the community colleges and two-year technical

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schools; their main job is to provide technicians to business and industry. A declining group of students use these schools as a stepping-stone to four-year programs, and in recent years the two-year degree has increasingly become terminal for the majority of community college students. And, given the shrinking demand for technical workers of all kinds, the community college is increasingly important as an *ideological* institution insofar as it fulfills, but only in a bureaucratic sense, the promise of higher education for all” (p.189).

It must be noted that the *transmission* of knowledge always also includes new *production* of it, whether this is institutionally acknowledged or not.

<sup>2</sup> Gernigon, Odero, and Guido say that although the right to strike has *surprisingly* not been set out explicitly by ILO Conventions and Recommendations (besides, they add in a footnote, being incidentally mentioned in one Convention and Recommendation), it has often been discussed within the ILO and two of its resolutions “in one way or another emphasized recognition of the right to strike in member States” (2000: 7).

<sup>3</sup> I say “real” globalization to stress the fact that in our days the globalizing process, which for some is as old as the human adventure, has reached its full-fledged status. The choice of the adjective “real” is also intended as a reference to Marx’s concept of real subsumption.

<sup>4</sup> The problem of the observation is not very often spoken about, but it is very important to challenge this practice of control and (really unjustified) burden placed on contingent workers. In some institutions, such as CUNY, adjuncts and part-timers are observed for ten consecutive semesters, that is, five years. And if by chance or necessity one goes from one college to another after some years, the process starts anew. Some people argue that the good thing about the observation is that if an adjunct is not reappointed, she has a case. But there is really no logic in this. First, because adjuncts and part-timers can be dismissed for no reasons, and second because an observation can go badly for a variety of reasons, including the subjective disposition of the observer. Moreover, once hired, contingents should be reappointed automatically, perhaps observed once or twice, but years of this practice cannot find a meaningful justification. A good account of the possibility of injustice inscribed in the practice of the observation can be found in William H. Thelin and Leann Bertoncini (2004).

<sup>5</sup> Here, I think again of Bousquet’s analysis of the UPS “earn and learn” program (2008: 125-155).

<sup>6</sup> Some time after I wrote this, the proposed contract at CUNY was ratified by an overwhelming majority of voters. Of a total of 7,245 votes, there were 6,764 “yes”, one was void, and 480 (including mine) were “no”.

<sup>7</sup> After the contract ratification, in President Bowen’s message of gratitude toward the PSC team that worked on the contract, and of congratulations to CUNY Chancellor Matthew Goldstein (whose position on contingent labor has been unassailable), the disappointment note on adjuncts’ job security completely disappeared.

<sup>8</sup> In the words of Frederick Schaffer, CUNY’s General Counsel and Vice Chancellor for Legal Affairs, in the event of a strike, “no notice or hearing is required prior to termination” of adjunct faculty’s employment (see “CUNY Matters Online,” [http://www1.cuny.edu/portal\\_ur/cmo/i/5/19/](http://www1.cuny.edu/portal_ur/cmo/i/5/19/))

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<sup>9</sup> For a theoretical and historical understanding of how “free” labor might ultimately always be bound, see Moulier-Boutang (1998).

<sup>10</sup> Although, as I have noted, I find the notion that students are customers problematic.

<sup>11</sup> See, for instance, the interesting autobiographical opening in Schell (1998), where the question of the quality of teaching versus job security is illustrated. Schell also pays special attention to the fundamental question of gender.

<sup>12</sup> For the choice of the word “contingent” rather than “adjunct” or similar words, also see Schell (1998).

<sup>13</sup> On the principle of the right to flight, see Mezzadra and Moulier Boutang.

<sup>14</sup> See Kierkegaard.

<sup>15</sup> For what I may here call *the invisibility paradox*, also see Schell (1996). Schell says: “Because they hold lesser rank and status, contingent faculty, although a statistically visible presence in higher education, are often ‘invisible’ in the decision-making processes of departmental and professional life” (p.63). Needless to say, they are invisible precisely because they are too visible, but this visibility is, to say the least, embarrassing. Bluntly put, the paradox itself can only be explained in terms of a logic of apartheid.

<sup>16</sup> See, for instance, Nelson (1997a: 4).

<sup>17</sup> “The final blow is that after a few years of working under these conditions, you’ll find yourself stigmatized on the job market as a ‘part-timer’ by those who know perfectly well what the market is like but wonder what was wrong with you that you didn’t get a job” (Ray Pratt 1997: 269).

<sup>18</sup> In this sense, see also the volume edited by Bousquet, Scott, and Parascondola (2004).

<sup>19</sup> In this sense, see also Nelson (1997a). He says: “Improbably enough, the academy has become a place to build workplace solidarity that crosses class lines” (p.6). He also addresses the question of the ambiguity and danger of contingent faculty’s identity (p.9).

<sup>20</sup> In this sense, see also Amartya Sen’s concept of poverty as capability deprivation (Sen 1999).

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